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**IN THE UNITED STATES DISTRICT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTOPHER LEWIS)	CIVIL ACTION LAW
)	
Plaintiff)	No. 1:CV-00-0436
)	
VS.)	(Magistrate Smyser)
)	(Judge Rambo)
DOMINICK DE ROSE,)	
MARK JESZENKA,)	
MICHAEL HOHNEY, ROBERT)	
DRUM, MR. SHOEMAKER)	
CARL GARVER, AND DAUPHIN)	
COUNTY,)	
)	

FILED
HARRISBURG, PA
OCT 01 2002
MARY E. D'ANDREA, CLERK
~~Per _____~~
~~Deputy Clerk~~
JURY TRIAL DEMANDED

PLAINTIFF CHRISTOPHER LEWIS'
SUPPLEMENTAL PRE-TRIAL MEMORANDUM

A Rule 16.3 conference was held on January 23, 24, 2002 and the pretrial conference is scheduled for Friday, October 4, 2002.

A. Brief statement as to federal court jurisdiction.

Jurisdiction is conferred on this Honorable Court by 28 U.S.C. §1331, 28 U.S.C. §1343(3) and (4) and by 42 U.S.C. §1983.

B. A summary statement of facts and contentions as to liability.

Plaintiff contends that he suffered retaliation for speaking out on matters of public concern. Specifically, that he suffered retaliation, because he criticized and

reported his superior for abuse of prisoners, and was then promised that his benefits would be restored if he were cleared of criminal charges. They were not. He suffered severe emotional distress in the process.

C. Stipulation Facts

Virtually all material facts are in dispute but the parties reserve the right to submit stipulated facts prior to trial.

D. Damages.

Plaintiff is seeking compensatory damages from the deprivation of his federally guaranteed rights. He also seeks damages for pain and suffering due to emotional distress.

E. Names of witnesses

- 1.) Christopher Lewis
- 2.) Warden DeRose
- 3.) Mark Jeszenka
- 4.) Michael Hohney
- 5.) Scott Grahm
- 6.) Carl Garver
- 7.) Robert Shoemaker
- 8.) James McIntyre
- 9.) Denise Kelly
- 10.) Barry Calhoun
- 11.) James White
- 12.) Scott Rowe
- 13.) Tyrone Wilkerson

- 14.) Leonard Carroll
- 15.) Christian Laudenslager
- 16.) Andrew Petrucci
- 17.) Nathan Griggs
- 18.) Deon Stafford
- 19.) Todd Chisolm
- 20.) Robert Drum
- 20.) Prisoners and former prisoners appearing on Plaintiffs Exhibit "4"

Plaintiff reserves the right to call any of the Defendants' witnesses, some of whom may be called as of cross examination. In addition, Plaintiffs would reserve the right to call rebuttal witnesses.

F. Summary of testimony of each expert.

G. Special Comment about pleadings and discovery, including depositions and the exchange of medical reports.

There is a disagreement over defendants desire for a video deposition of a defendant "expert" witness for trial purposes.

H. A summary of legal issues involved and legal authorities relied upon.

There remains an outstanding, or contentious, legal issue in this case. The disputes in this matter are largely factual in nature, but defendant maintains that plaintiffs retaliation claims do not rise to a constitutional level. Essentially this is

an alleged retaliation claim for the exercise of 1st Amendment rights. White v. Napoleon, 897 F.2d 103 (3d Cir 1990).

I. Stipulations desired.

The parties reserve the right to submit stipulations of fact.

J. Estimated number of trial days.

2 weeks

K. Special Requests.

None at this time.

L. Other matters pertinent to the Case to be Tried.

None at this time.

M. Schedule of Exhibits.

See attached on previous memorandum.

Plaintiff would respectfully reserve the right to present any exhibits listed by Defendants.

N. Special Verdict Questions.

To be submitted.

O. **Statement of Compliance**

Samuel C. Stretton Esquire
301 S. High Street
West Chester, PA 19381
(610) 696-4243

P. **Depositions and Videotapes**

There are no depositions to be presented by videotape unless the court permits the ex-parte deposition of Dr. Hostetter by defendants.

Q. **Voir Dire Questions**

To be submitted.

RESPECTFULLY SUBMITTED,

Don Bailey
Don Bailey ID# 23786
4311 N. 6th Street
Harrisburg, Pa 17110
(717) 221-9500

CERTIFICATE OF SERVICE

I, Don Bailey do hereby certify that on this **1ST DAY OF OCTOBER 2002** I served a true and correct copy of **PLAINTIFF CHRISTOPHER LEWIS' SUPPLEMENTAL PRE-TRIAL MEMORANDUM** upon the attorneys below by First class-postage prepaid mail:

FRANK LAVERY ESQUIRE
LAVERY FAHERTY YOUNG & PATTERSON
225 MARKET STREET
SUITE 304, P.O. BOX 1245
HARRISBURG, PA 17108

Don Bailey
Don Bailey Esquire